

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALF RENTAL COMPANY, INC.,

Plaintiff,

Docket No.: 07 CV 3148 (LAK)

-against-

BUILDERS RESOURCE, INC., D'ONOFRIO GENERAL
CONTRACTORS CORP., CONSOLIDATED EDISON
OF NEW YORK, INC., TERRA DINAMICA, LLC,
CORESLAB STRUCTURES, and NICOLSON
CONSTRUCTION CO.,

Defendants.

-----X
BUILDERS RESOURCE, INC.,

Third-Party Plaintiff,

-against-

BAY CRANE SERVICE INC.,

Third-Party Defendant.

-----X

S I R S:

PLEASE TAKE NOTICE that upon the declaration of Stephen H. Marcus, Esq. dated July 17, 2007 and the affidavit of Steven Allard, sworn to the 16th day of July, 2007, and the exhibits annexed thereto, the defendant and third-party plaintiff Builders Resource, Inc. ("BRI") and the third-party defendant Steven Allard will move this Court, at 500 Pearl Street, New York, New York, at a date to be determined by the Court, for an order, pursuant to FRCP Rule 12(b), dismissing the first cross-claim, insofar as it applies to BRI, and the third, fourth, and fifth cross-claims alleged against BRI by defendant Coreslab Structures (Conn.) Inc. ("CSCT"), and the

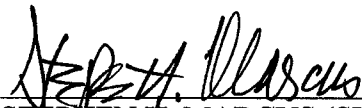
**NOTICE OF MOTION TO
DISMISS CROSS-CLAIMS AND
THIRD-PARTY COMPLAINT**

third-party complaint against Steven Allard alleged by CSCI, together with such other and further relief as to this Court seems proper.

Dated: New York, New York
July 17, 2007

Yours, etc.

LAMBERT & WEISS
*Attorneys for Defendant and
Third-Party Plaintiff Builders Resource, Inc.,
and Third-Party Defendant Steven Allard*

By: 
STEPHEN H. MARCUS (SHM 2370)
61 Broadway, Suite 2020
New York, New York 10006
(212) 344-3100

To: BAHN HERZFELD & MULTER, LLP
Attorneys for Plaintiff ALF Rental Company
555 Fifth Avenue
New York, New York 10175
Attn: Richard L. Herzfeld
(212) 818-9019

LEONARD J. CATANZARO, ESQ.
Attorneys for Defendant Terra Dinamica
434 Broadway
New York, New York 10013

RICHARD J. GIGLIO
Attorneys for Defendant Consolidated Edison
4 Irving Place
New York, New York 10003

LINDABURY, McCORMICK, ESTABROOK & COOPER, P.C.
Attorneys for Defendant Coreslab Structures
26 Broadway
New York, New York 10004

PORZIO BROMBERG & NEWMAN P.C.
Attorneys for Defendant Nicholson Construction
100 Southgate Parkway
Morristown, New Jersey 07962

TREACY SCHAFFEL MOORE & MUELLER
Attorneys for Defendant D'Onofrio General Contractors
111 Broadway
New York, New York 10006

BIRNBAUM & BIRNBAUM
Attorneys for Third-Party Defendant Bay Crane Services, Inc.
2 Birchwood Court
Mineola, New York 11501